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13 Dreamstime.com, LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 DREAMSTIME.COM, LLC, a Florida LLC,
19 Plaintiff,
20 v.
21 GOOGLE, LLC, a Delaware LLC; and DOES
22 1-10,
23 Defendants.
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25
26
27
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Case No. 3:18-CV-01910-WHA

**DECLARATION OF ELENA DOBRE IN
SUPPORT OF PLAINTIFF
DREAMSTIME.COM, LLC'S
OPPOSITION TO DEFENDANT
GOOGLE LLC'S MOTION FOR
SUMMARY JUDGMENT**

Judge: Hon. William H. Alsup

Hearing Date: June 18, 2020
Time: 8:30 a.m.

1 I, Elena Dobre, declare as follows:

2 1. I have personal knowledge of the facts set forth herein and if called as a witness I
 3 could and would competently testify thereto. I submit this declaration in support of Dreamstime's
 4 Opposition to defendant Google LLC's ("Google's") Motion for Summary Judgment.

5 2. I was deposed in this action in my individual capacity on January 23, 2020.

6 3. I am a digital marketing consultant. Part of my job is to advise clients regarding
 7 Google Ads (previously named Google AdWords). I am the owner and founder of Zarbi Marketing
 8 SRL ("Zarbi"), located in Romania, a company that provides digital marketing consultant services
 9 to clients. Dreamstime is Zarbi's largest client. I spend about 80 percent of my consulting time
 10 working with Dreamstime. Dreamstime is an online stock photography agency that sells and
 11 licenses stock images, clipart and videos through its website, www.dreamstime.com.

12 4. In November 2014, I began to provide digital marketing consultant services to
 13 Dreamstime as an independent contractor. Since I began working with Dreamstime, Dreamstime's
 14 main goal with Google Ads has been to generate conversions at the lowest possible cost-per-
 15 conversion. For Dreamstime, a conversion refers to customer transactions on Dreamstime's website
 16 in the form of subscription plans or credits for online stock photo packages.

17 5. Since November 2014, when I first started working with Dreamstime, I have worked
 18 closely with Dreamstime's CEO, Mr. Serban Enache, and Dreamstime's marketing manager, Mr.
 19 Bogdan Jianu, to help manage Dreamstime's Google Ads account. Before working with
 20 Dreamstime, I understand that Mr. Enache and Mr. Jianu were Dreamstime's primary points of
 21 contact for the Google Ads support team assigned to Dreamstime's account. When Dreamstime
 22 hired me, I became the primary point of contact for the Google Ads support team with respect to
 23 Dreamstime's account. While I provide advice and recommendations to Dreamstime regarding its
 24 Google Ads account, Mr. Enache and Mr. Jianu are in charge of Dreamstime's overall marketing
 25 strategy and are the decision-makers for Dreamstime. I help Dreamstime execute its digital
 26 advertising strategy, which includes overseeing Dreamstime's Google Ads campaigns.

27 6. My work for Dreamstime does not involve SEO (search engine optimization). I have
 28 not been involved in any efforts to improve Dreamstime's organic search ranking. My work for

1 Dreamstime relates to Dreamstime's online marketing, which primarily consists of Dreamstime's
 2 placement of digital ads through Google Ads. The majority of Dreamstime's total advertising
 3 budget has been spent on Google Ads. I am primarily responsible for managing the advertising
 4 programs (Google Ads, Bing Ads, Yahoo Ads, Social media ads etc.), implementing new
 5 commercial campaigns, adjusting budgets, integrating the recommendations received from Google
 6 representatives, and reporting the monthly overall results and set-up to Dreamstime.

7 7. Before founding Zarbi and working with Dreamstime, from March 2010 to February
 8 2013, I worked for Google as a Google Ads account manager and account strategist. My duties
 9 included reviewing ads, providing account support to help solve issues advertisers experienced with
 10 their Google Ads accounts, and making advertising recommendations to Google Ads customers. It
 11 was also part of my duties to recommend new Google products to Google Ads customers to try to
 12 achieve the customer's key performance indicators ("KPIs"). As an account manager at Google, I
 13 had access to information that advertisers did not, such as the reason for ad disapprovals, Google's
 14 policy limitations for ad delivery, market trends, auction levels by industry, and technical details in
 15 the backend of the Google Ads user interface.

16 8. I stopped working for Google in large part because of the pressure Google placed on
 17 me and others in my position to meet Google's sales targets. Part of my job was to pitch new
 18 products and features to advertisers in order to make them spend more with Google Ads. All the
 19 interactions I had with clients were evaluated based on the number of recommendations I made to
 20 the clients that were finalized/implemented by the clients. This was also the way I was assessed for
 21 my performance within the team and it influenced my monthly salary. Since the recommendations I
 22 was supposed to make were not completely aligned with the advertiser goals, I felt uncomfortable in
 23 that role. I was the one that had the authority in front of the client to make recommendations and
 24 many of them were confident that my support will help. I was allowed only to make suggestions,
 25 the implementation was made by the client, so the client would have full responsibility for his
 26 decisions (whether or not they were influenced by me).

27 9. During my time working at Google, I worked with several Google Ads support
 28 personnel who have at some point provided Google Ads account support to Dreamstime. They

1 include Ana Sipciu, Tudor Marian, and Adriana Puchianu. I had a friendly personal and working
2 relationship with them. Ana Sipciu even recommended me to Dreamstime when Dreamstime was
3 looking for a consultant to assist with its Google Ads account. She described Dreamstime as a time
4 consuming client of Google that needed a consultant to manage the implementation of Google's
5 recommendations and optimizations to save some of the time spent of the Google representatives
6 managing Dreamstime's account. She also described Dreamstime as being a valuable client and
7 important for the Google Romania portfolio.

8 10. Google's representatives have at all times had complete access to Dreamstime's
9 Google Ads account. The Google support team could (and did) make manual changes to
10 Dreamstime's account settings for the stated purpose of improving account advertising
11 performance. I was surprised to find out that Tudor Marian was in complete charge of making
12 account adjustments, a different approach than all my previous experience at Google. The changes
13 done by Google representatives in Dreamstime's account are not visible in the user interface, so
14 Dreamstime was not able to check on the changes Tudor Marian or other Google representatives
15 made. Dreamstime could refer only to the emails in which Marian or others described the changes
16 they made in the account.

17 11. Dreamstime made efforts to ensure the Google support team had full transparency
18 with Dreamstime's information and goals so they could offer the best possible account advice.
19 Dreamstime granted the Google support team full access to all of the Google products Dreamstime
20 used, including its Google Analytics account. Dreamstime even shared its internal data with the
21 Google support team. Dreamstime did all of this so they could have a holistic image of
22 Dreamstime's Google Ads account and its contribution to Dreamstime's online presence and
23 visibility.

24 12. Part of my job for Dreamstime was to implement the account changes urged by
25 Google's support team. Starting in December 2014, I was present in all bi-weekly meetings with
26 Google when the representatives were giving development directions and suggested test campaigns
27 or different account adjustments (increase bids, add new keywords, change ad texts, create user
28

1 audiences etc.) The recommendations from Marian and Adriana were very specific (increase budget
2 to \$x, change bid to \$x to be on the first page).

3 13. Dreamstime has heavily relied on the advice and recommendations of the Google
4 Ads support team assigned to Dreamstime's account because they claimed to have expertise in
5 Google Ads. However I was surprised to notice that some basic optimizations were not yet done in
6 the account when I joined forces with Dreamstime. I removed many adult content keywords for
7 which Dreamstime used to pay even though they did not generate transactions. Also, the localized
8 content that had been created and designed by Google representatives had several inefficiencies.
9 The account was also structured in a way that reported a cost per acquisition that appeared low but
10 was actually much higher for important keywords. Neither Mr. Enache, nor Mr. Jianu knew that
11 they needed to separate between the cost in brand campaigns versus non-brand campaigns to
12 account for the CPA for non-brand campaigns (which Dreamstime made clear to the Google
13 representatives it was interested in). The cost per acquisition reported by Google representatives
14 was low because it contained all type of campaigns. When I arrived as a consultant, I made a clear
15 separation between the brand cost per acquisition and non-brand cost per acquisition. I also
16 separated the keyword targeting: brand keywords versus non-brand keywords campaigns, because
17 in the past they were all mixed together and certain generic stock photo campaigns seemed
18 profitable only because it generated transactions from user searches containing "dreamstime."

19 14. The members of the support team have specialized training in new Google products
20 and access to data and information that Dreamstime and I did not. They had access to Google's
21 private data that showed the behavior of products used by other Google clients, knew the average
22 bid amounts in stock photo industry, the budgets of Dreamstime's competitors, and knew the size of
23 the market for stock photos in the digital environment based on the Google's internal statistics. We
24 trusted the data Google presented to us regarding where Dreamstime stood in comparison to other
25 stock photo companies. The Google representatives frequently referred to these things when
26 offering recommendations for improving Dreamstime's account performance. Google's
27 recommendation was often to increase spending. Because Google has access to and owns crucial
28

1 non-public data and information, including a much more complete image of the stock photo
2 industry, Dreamstime believed and relied on Google's representations.

3 15. Google often changed the members of the support team assigned to Dreamstime's
4 account. The team members often switched roles within the team as well. When I first started
5 working with Dreamstime, the support team included Tudor Marian, Adriana Puchianu, Ana Sipciu.
6 After that, various others with specialist titles were assigned to the Dreamstime's account, including
7 Radu Stoica, Raul Altarescu, Stijn Topps, Olga Pavliuk, Andreea Simulescu, Carmen Punga, Maria
8 Stroe, Jacek Ewiak, Kyril Boltenko, and Natalia Domina. There were others as well. When new
9 Google representatives joined the support team touting themselves as specialists with expertise in
10 certain products, Dreamstime trusted them and the new ideas they brought to the table. As a way to
11 get Dreamstime to implement new products and strategies, new team members sometimes blamed
12 poor past performance and praised the experience the new team members had on other large clients.
13 I understand now that this is one of the ways Google influenced Dreamstime to continue to trust its
14 representatives and to continue spending large amounts of money (millions of dollars) on Google
15 Ads. Given the fact that Mr. Enache always said that his budget is unlimited as long as the account
16 is performing well, the Google team was enthusiastic to find ways to spend that budget event
17 though they were not accountable on the performance side. Each new team member came with new
18 tests and ideas. Every time I mentioned that we already tried something and it didn't work there
19 were arguments from Google: the products Google uses evolved, they are better now and you
20 should use them; your competitors already use them, you should use them too, we have experience
21 with the product, we will help you to make it profitable. For example, in the first quarter of 2015,
22 Ms. Puchianu recommended for Dreamstime to enable its ads on mobile devices. We followed her
23 advice but the results were poor. Despite this, in August 2016, Mr. Marian and Ms. Stroe
24 recommended Dreamstime run ads on mobile devices again, disregarding the past poor performance
25 and offering assurances that under their guidance it would work. In September 2016, Ana Sipciu
26 and Raul Altarescu pushed dedicated language campaigns even though previous attempts under
27 their supervision failed to produce good results.
28

1 16. Dreamstime frequently held teleconference and videoconference meetings with the
 2 Google representatives using Google Hangouts, a Google communication platform. During these
 3 meetings, Mr. Enache repeatedly reminded the Google representatives of Dreamstime's KPIs,
 4 which since I began working with Dreamstime have remained the same: to generate transaction
 5 conversions while maintaining or lowering the cost-per-acquisition/conversion. The Google
 6 representatives made recommendations for account optimizations and pitched new Google products
 7 always with the assurance that they would improve Dreamstime's KPIs.

8 17. The Google support team also met with us on a quarterly basis in Bucharest,
 9 Romania. During these quarterly meetings, the Google Ads representatives presented us with a
 10 "Quarterly Business Review" to recap Dreamstime's past performance and provide advice and
 11 recommendations for future account improvement. Although they did not guarantee specific
 12 results, like the number of conversions or that the target CPA would be met, they assured us that if
 13 Dreamstime implemented their recommendations Dreamstime's ad campaigns performance would
 14 improve. Google's presentations often made reference to Dreamstime's budget compared to its
 15 competitors' budgets and urged Dreamstime to invest more in order to be as visible as the rest of the
 16 players in the stock photo industry.

17 18. Because Dreamstime's online marketing strategy focused on the cost per
 18 acquisition/conversion, Dreamstime mostly used Google's automated smart bidding technology
 19 named Target CPA (cost per acquisition). Google currently describes the technology as "a Google
 20 Ads Smart Bidding strategy that sets bids to help get as many conversions as possible at or below
 21 the target cost-per-action (CPA) you set." (See [https://support.google.com/google-](https://support.google.com/google-ads/answer/6268632?hl=en)
 22 [ads/answer/6268632?hl=en](https://support.google.com/google-ads/answer/6268632?hl=en)). Dreamstime started using Target CPA before I began working as its
 23 consultant. Dreamstime set the target CPA for its campaigns, but did so almost always following
 24 the assumed learned advice of the Google Ads representatives. Google does not promise the actual
 25 target CPA, but affirms that Google will do their best to reach the target. Google advised
 26 Dreamstime to set the target based on the historical data in the account, which Dreamstime did
 27 under the close observation of the Google support team.
 28

1 19. When I started working with Dreamstime in November 2014, the CPA was very high
 2 (the account average was \$120), considering Mr. Enache stated the goal for profitability was a
 3 conversion for \$50. Decreasing the CPA from \$120 by setting a target CPA of \$50 on existing
 4 campaigns was not possible with Google's system. Such a large decrease caused Google's
 5 automated bidding system to stop showing ads. I explained to Mr. Enache that I had to set target
 6 CPAs to higher levels than the ultimate goal and try to reduce the actual CPAs incrementally.

7 20. I reviewed the declaration of Tudor Marian submitted in support of Google's motion.
 8 He includes an email I wrote to him on January 27, 2015 as Exhibit B. In that email I list a few
 9 campaigns with target CPAs over \$70. It is true that Dreamstime set target CPAs above \$70 for
 10 certain campaigns, but it is also true that Dreamstime's CEO told Mr. Marian that Dreamstime's
 11 desired or goal average CPA for its main account was \$70 or less. Mr. Enache told Mr. Marian that
 12 he only wanted changes that brought Dreamstime closer to that average CPA goal. When I joined
 13 Dreamstime, several of Dreamstime's campaigns had CPAs that had ballooned far over \$70 during
 14 the time Mr. Marian had full control over making adjustments to Dreamstime's ad account. Based
 15 on my review of Dreamstime's account records, Dreamstime's main account had an average CPA
 16 \$79 in 2013 (for non-branded campaigns) and an average of CPA \$71.66 for entire account
 17 (including brand campaigns). In January 2015 when I wrote that email, we were working to lower
 18 the CPAs back to historic levels (which had been much lower). We were having difficulties doing
 19 that because under Mr. Marian's supervision Dreamstime lost the historical data used by its Target
 20 CPA campaigns when they delivered CPAs in under \$70. In October 2014 the non-brand CPA was
 21 \$131.15, and it increased to \$139 in December 2014. Mr. Marian was aware that Dreamstime was
 22 trying to reduce its CPA levels. To do that, he advised Dreamstime to continue to set target CPAs
 23 10% less than the current CPA. This was a consistent a Google recommendation. Carmen Punga
 24 later advised us to lower CPA by only 15% of the current CPA. Mr. Marian assured us that by
 25 doing this we would slowly lower the CPA and avoid causing a shock to the Target CPA algorithm
 26 that would result in ever worse results. The target CPA of \$300 mentioned in my email was for a
 27 campaign we were trying to bring back to past levels and we had set the CPA following Google's
 28 advice. There were certainly other target CPAs set by Dreamstime after I joined that were over \$70,

1 but these targets were set following Google's best practices, and as I mentioned before, and came
 2 after Mr. Marian destabilized Dreamstime's account performance which resulted in
 3 unprecedentedly high CPA levels we were trying to reduce.

4 21. Google also advised Dreamstime not to make frequent changes in the account to
 5 avoid interfering with the Google algorithms. According to Google's representatives, any change
 6 required at least 14 days before deciding whether it was a good or bad decision. During this time
 7 period Dreamstime had to pay for results, good or bad. Many times when the results were bad after
 8 the 14 day learning period was up, Google's representatives instructed us to continue to wait and
 9 assured us Google's algorithms would deliver the results we wanted. For example, Olga Pavliuk
 10 advised us, "In terms of test period I'd recommend at least 3-4 weeks to get the results which can be
 11 estimated. I understand that it might seem to be long but usually we need this period to exclude any
 12 kind of seasonality, sudden competition changes and conversion lag (but the last one is not a
 13 problem as your conversion lag is not that long).") Attached as **Exhibit A** is a true and correct copy
 14 of a document previously-marked Exhibit 241, which includes Ms. Pavliuk's message.

15 22. While working on Dreamstime's Google Ads account we kept the Google team
 16 constantly informed about every change and we consulted with them as to all changes we planned
 17 to do. Since Google was very strict with the frequency of changes and wanted us to avoid making
 18 abrupt changes (especially at budget level) I used to ask them about all our future steps and wait for
 19 their confirmation. Even when we had underperforming campaigns, I used to ask for their expertise
 20 and help before pausing the campaigns (situations where the CPA was \$3800 and the campaign was
 21 still running without any flag from the Google team). *See* Marian Decl., Ex. B. Even though Mr.
 22 Enache almost always followed Google's advice regarding account changes, there were a few times
 23 Mr. Enache lowered the budgets beyond Google's recommendation because the costs could no
 24 longer be sustained by the revenue based on Dreamstime's financial goals and constraints.
 25 Attached as **Exhibit B** is a true and correct copy of a document previously-marked Exhibit 112 in
 26 which Mr. Enache admits he lowered the budget for very urgent return on investment (ROI)
 27 reasons. *See* at P_0008597. These were reasonable business decisions that Google's
 28 representatives criticized Mr. Enache about. We knew this would mean less conversions.

1 Dreamstime's decisions were swayed by Google's many tools to convince Dreamstime to do what
2 Google wants.

3 23. In the second half of 2017, Dreamstime had to start cutting its ad budget because of
4 economic constraints. This accelerated in 2018. I paused Google Ads campaigns, including ones
5 that had run for a long time with no results. In January 2018, I also paused all the brand campaigns
6 as the budget was too high. Carmen Punga and Andreea Simulescu warned me this will drastically
7 lower Dreamstime's entire account performance, but it has done the opposite.

8 24. But Dreamstime does not really have the ability to completely say no to Google
9 because Google is number one in search in the search world. Saying no would mean not being
10 visible on Google's website to Dreamstime's audience. The Google representatives used to come to
11 us with new solutions in the form of the perfect product that could solve Dreamstime's ad account
12 issues. They were called beta-products and were not-publicly launched products that Google was
13 testing on big, high-spend advertisers. The benefit sold to us was that we were the first ones to try
14 and that Google was confident that we will have a visibility advantage. The budgets invested in
15 those tests were generally high as Google representatives asked us to invest large amounts of money
16 to have relevant test results. The majority of test campaigns never worked for Dreamstime, the
17 money was spent on a Google product that was not reliable for advertisers and the entire learning
18 experience that Google obtained was paid by Dreamstime. Google received the testing results while
19 Dreamstime only received low quality traffic from these ads and even deteriorated the past account
20 performance.

21 25. Based on my knowledge and experience, Google wanted Dreamstime to spend more
22 money because Google's main goal is to sell Google products, make profits, and build a
23 dependency of advertisers on Google ads. Also Dreamstime was probably the largest (or among the
24 largest) client that the local Bucharest Google office managed. It was an account that helped the
25 local office to gain more visibility locally and gain more marketing financial resources from the
26 head offices. The success of Dreamstime was secondary. Most of the conversations with the
27 Google representatives centered-around how Dreamstime was going to spend its advertising budget
28 on Google ad campaigns and the eventual plans to increase the quarterly budgets. I was often

1 questioned by Google about how much Dreamstime was willing to spend in a certain quarter but not
 2 how many transactions Dreamstime was planning to get in a certain quarter. Mr. Enache
 3 repeatedly told the Google Ads support team that Dreamstime's budget is unlimited as long Google
 4 Ads platform deliver conversions at Dreamstime's desired CPA. This encouraged Google
 5 representatives to come with new ideas and solutions and make sure they got Dreamstime to use all
 6 of its financial resources. Since Google representatives were incentivized financially based on the
 7 size of their clients' budgets, they consistently tried to convince Dreamstime to spend more even if
 8 doing so would not help Dreamstime achieve its KPIs.

9 26. In the second half of 2016, there was an intense effort by Dreamstime's Google Ads
 10 support team to bring Mr. Enache to Google's Dublin, Ireland headquarters to meet with the Google
 11 specialists assigned to Dreamstime's ad account. Mr. Enache elected not to go because, as I
 12 understood it at the time, Dreamstime had dropped considerably in Google's organic search
 13 rankings and that was really hurting Dreamstime's business. Mr. Enache was focused on trying to
 14 solve that issue. In November 2016, I traveled to Dublin on Dreamstime's behalf to meet with
 15 Dreamstime's assigned specialists. I was introduced to many Google Ads managers and specialists
 16 who assured me of their dedication to help Dreamstime. There I met Maria Store, the measurement
 17 and attribution specialist assigned to Dreamstime and her boyfriend Jacek Ewiak (Measurement and
 18 Attribution Specialist), Export specialist Iulia Crisan, Anastasiia Stefanska (mentioned as Stasy in
 19 emails) and Olga Pavliuk. They invited me to a large brainstorming meeting about the
 20 "Dreamstime situation" to offer their proposed solutions and strategy plans. During this meeting,
 21 Google's disapproval of Dreamstime's display banner ads with search bars was one of the topics.
 22 During the conversation the Google team explained that Dreamstime is a valuable client and that
 23 they invest a lot of effort in finding solutions and helping with the account development. However,
 24 much of the conversation centered on the Dreamstime's website content and less on the efficiency
 25 of Google's products and tools. So part of the discussion was that Dreamstime should improve the
 26 website not that Google should test its products before proposing them to Dreamstime.

HTML5 Banner Ads

27. In 2015 and 2016, Google disapproved many of Dreamstime's display banner ads as being in violation of Google's "trick to click" policy even though Google had not disapproved nearly identical display ads with higher CPAs. During that time, Dreamstime created a number of banner ads that had a search field and search button graphic to inform the user that Dreamstime's website features search capabilities. When clicked, the ad would divert the user to Dreamstime's website, which was normal behavior for a .jpg file of this type. Google rejected many of Dreamstime's banners as being trick to click, although the explanations from Google's representatives about why these ads were being disapproved varied greatly.

28. In late 2016, I and others at Dreamstime began to notice that Google rejected and disabled mostly those banners that performed well (with low CPAs) while allowing those with poor performance (with higher CPAs and higher bids) to remain in operation. This resulted in Dreamstime paying more for conversions because Google's system automatically began displaying Dreamstime's worse performing ads in place of the better performing ones that had been disapproved. We wanted to find a solution to this problem, as I was able to see similar ads from Dreamstime's competitors running daily without restrictions, so I asked Google representative Raul Altarescu to provide information about Google's disapproval process so we could understand why this was happening. On October 14, 2016, Mr. Altarescu responded that he had received an answer regarding Dreamstime's display ads that included an image of a search button. Attached as **Exhibit C** is a true and correct copy of that email. He wrote that the white border around the search button looks like a search field and the search button is borderline, so that resulted in some Google review agents who considered it "trick to click" and others who did not. *See id.* at P_0015333. Mr. Altarescu told us one of our options was "accept that ads will be disapproved and they will need to be reuploaded." *Id.* He added, "I can assure you that the Dreamstime competitors face the same problem. If they keep having ads that seem to be "trick to click", this means they choose the second option" to re-upload the ads Google's reviewers previously disapproved. *Id.* Google's own policy reviewers apparently did not agree as to whether Dreamstime's search button ads were trick to click.

29. On or around November 17 or 18, 2016, during one the meetings with the Google Ads support team in Dublin, Google representative Raul Altarescu and Ana Sipciu told me they had a solution the disapprovals. Altarescu told me that a banner ad with a functional search bar that allowed users to type in the search box of the ad and be taken to Dreamstime's search results page would not violate Google's policy. He told me it was possible to display banner ads with functional search bars in Google advertisements using HTML5 technology. Altarescu explained that one way to do this was through a third party service such as DoubleClick, but that this would cost more. I told him Dreamstime was not interested such third party services because Dreamstime could not afford it. Altarescu then told me there was a way to do this in the AdWords interface without using a third party service that he would confirm with the necessary Google teams.

30. In a Hangout session with Mr. Altarescu and Ms. Sipciu, Altarescu asked me to send him examples of when Google disapproved Dreamstime's better performing banner ads while allowing the banners with higher CPAs to remain in operation. After the hangout session I sent him the attached screenshot demonstrating the issue, a true and correct copy is attached as **Exhibit D** and was included as an exhibit to Dreamstime's interrogatory responses. The AdWords representatives agreed with us that this seemed unfair. I continued to discuss with Altarescu his proposed solution of HTML5 banner ads with functional search bars. I asked for instructions for how to create them so I could share them with Dreamstime's ad designer. Mr. Altarescu and Ms. Sipciu directed me to online resources for creating the HTML5 banners according to Google's requirements and they told me and told me to test the functionality by creating and submitting the HTML5 banner ads for service to users in AdWords. He told me he was checking with the necessary people at Google to confirm they would work as he believed they would.

31. In or around November 22, 2016, I shared the information I received from the Google representatives for creating HTML5 banner ads with Dreamstime's ad designer Andrei Iancu. Mr. Iancu created HTML5 banners according the information ad specifications the Google representatives shared with us. We confirmed that the ads worked correctly in Google's Web Design tool, but we were not able to confirm whether the ads worked as designed once uploaded to the AdWords interface. We were able to confirm that the banner was designed correctly but we

1 were not able to test it from the user's perspective after uploading to AdWords. As instructed, we
 2 uploaded the new HTML5 banner ads to AdWords and they were not disapproved by Google.

3 32. On December 12, 2016, I reminded Altarescu that we were waiting on a
 4 confirmation from him that Dreamstime's new HTML5 banners were compliant with Google's
 5 policies. *See* Declaration of Elisabeta Moraru, Exhibit B at GOOG-DRMSTM-0008029. Altarescu
 6 responded that he had several meetings with Google's Policy team on this issue and that they had
 7 made progress. *See id.* He told me that he would be having a final meeting with the Policy team to
 8 determine the exact solution for continuing to use HTML5 without needing to use a third party
 9 platform like DoubleClick. *See id.*

10 33. On December 14, 2016, Altarescu told us "he had finished talks with the 2 entities in
 11 the Policy team. (Review and Enforcement)" and "[i]n short, the banners containing a functional
 12 search field are ok and can be used. Dreamstime, is currently the first stock Photo Partner using this
 13 version, so it will certainly help in terms of performance." *See* Moraru Decl. Ex. B at GOOG-
 14 DRMSTM-0008028. Altarescu added: "I checked if they work, and unfortunately, they don't." He
 15 told us that instead of sending the user to the Dreamstime page the search results, the user clicks the
 16 search field in the ad and types the search terms but is sent to Dreamstime's main page and not the
 17 search results page. *See id.* He concluded that "[a]t this time, although we have this situation, the
 18 banners are active and they serve. My proposal is not add any other banners until we know that the
 19 HTML code is correct." *See id.* at GOOG-DRMSTM-0008029. I told Altarescu that I had already
 20 uploaded the newest version of the HTML5 banner and provided the location of the banner in the
 21 account so that he could test it using Google's internal tools. *Id.* Altarescu did not instruct us to
 22 disable the HTML5 banners ads that Google had already approved. *See id.* at 8027-28. Altarescu
 23 responded that he contacted one of Google's technical specialists named Sophia to review the
 24 HTML5 code and he would "get back to us with information." *See id.* at 8027. He told us that
 25 "[c]urrently, it's still not working in the AdWords interface. You can type into the search tab but it
 26 won't send you to the search results site" but that there was "a possibility for the Banner to be
 27 correct, but requiring something specific for AdWords, so it's best to wait for Sophia with an
 28 answer." *See id.* at 8027.

1 34. My review of documents produced by Google in this litigation revealed that on
2 December 14, 2016, Mr. Altarescu told Ana Sipciu he was sure the HTML5 banners could work in
3 AdWords without a third party service once the code he was using changed. Attached as **Exhibit E**
4 is a true and correct copy of a document previously-marked Exhibit 196 that contains these
5 communications. *See id.* at GOOG-DRMSTM-00007896. This is what he had told us.

6 35. On the same day, Google's internal documents show that Altarescu received a
7 response from Sophia (Google's technical specialist) a few hours after Altarescu told us he would
8 "[REDACTED]" with the information she provided. *See Exhibit F* attached hereto at GOOG-
9 DRMSTM-00012890-91. Google's technical specialist told him she tested Dreamstime's HTML5
10 banner ad and found that "[REDACTED]"
11 [REDACTED]
12 [REDACTED]." *See id.* at GOOG-DRMSTM-12890.
13 Sophia added "[REDACTED]"
14 [REDACTED]." *See id.* at GOOG-DRMSTM-12891. Neither Altarescu nor Sophia
15 communicated this information to us.

16 36. On December 19, 2016, I received an email from Ana Sipciu notifying us that she
17 and Altarescu would be leaving Dreamstime's dedicated support team. She told us to continue to
18 copy her and Altarescu on all emails until January 1st when the new core team would fully be in
19 place. Attached as **Exhibit G** is a true and correct copy of that email, previously-marked as Exhibit
20 195. She wrote that after January 1st, Natalia Domina and Andreea Simulescu would "take full
21 ownership." *Id.*

22 37. On December 21, 2016, I followed up with Altarescu because he had not reported to
23 us what he had learned from Google's technical specialist. *See Moraru Decl, Ex. B* at GOOG-
24 DRMSTM-00008027. Altarescu did not respond to my request for more information. I did not
25 hear from Altarescu again on this issue or any other.

26 38. Following Altarescu's final email to me on December 14, 2016, I asked
27 Dreamstime's ad designer Mr. Iancu to alter the HTML5 to try to fix the functionality issue. Mr.
28 Iancu told me he altered the HTML5 code to solve the issue. We were able to test it in Google's

1 Web Design tool and it worked, but we could not determine whether it worked in the AdWords
2 interface.

3 39. In January 2017, I continued to follow up with on this issue with the newly installed
4 account managers Natalia Domina and Andreea Simulescu, because Ana Sipciu told us they would
5 be taking ownership of Dreamstime’s account. It was my understanding that the new support team
6 members were informed of the outstanding issues Dreamstime had when they assumed “full
7 ownership.” I asked for Google’s position on the HTML5 banner ads.

8 40. On January 19, 2017, I wrote to Ms. Domina an email entitled “Banners DT –
9 HTML5” to ask what should be done with Dreamstime’s banners with search function and included
10 that “I know Andreea is in charge of it and has a deadline for tomorrow.” Attached as **Exhibit H** is
11 a true and correct copy. *See id.* at P_0007390. I wrote to Ms. Domina that we had two types of
12 banners already running in the account. For one ad group, “the search function was not available,
13 the banners were accepted and running.” *Id.* For the other ad group, I told her “I added a new
14 example with a single format where we think we solved the issue with the search bar but we
15 received no feedback from you. The ad doesn’t have a good exposure so I can’t get to see it and test
16 it.” *Id.* Ms. Domina responded that her suggestion was to “run an Experiment in AdWords
17 interface to test and compare this ad creative (with search function) with other image ads for new
18 users. If results (conversions, conversion rate and cost per conversion) are good, then you can add
19 these banners to all other your Display campaigns.)” *See id.* at P_0007389. It was clear that this
20 meant we had our Google account manager’s approval to upload the HTML5 banners, and if
21 Google approved them, we could use them for our campaigns. The working document that
22 Dreamstime and the Google support team shared during the first quarter of 2017 to keep track of
23 assignments and tasks confirms this mutual understanding. Attached as **Exhibit I** is a printout of a
24 tab from the working spreadsheet document, produced in discovery as P_0166216, entitled
25 “CLOSED PROJECTS”. The task described as “Banners HTML5 search function – what should
26 we do with them? What is the next step? Should we implement them all over the account?” was
27 assigned to “Project Owner” Natalia Domina with “extended Google Team support” from Andreea
28 Simulescu. *Id.* The task was marked “solved” and “resolved” on January 20th. *Id.* Following Ms.

Domina's instruction, we uploaded additional HTML5 banners. We believed these new HTML5 banners had search bars that were functional based on our own testing and Ms. Domina's response.

41. On or around February 7, 2017, Ms. Domina made a presentation to us with Google's recommendations for improving Dreamstime's display banner ads. A true and correct copy of the slides Ms. Domina used for the presentation is attached as **Exhibit J**. In the presentation, Ms. Domina shared with us several types of display ads our competitors were using. On one slide, she included examples of Shutterstock display ads with search bars and wrote, "Might be good to attract new using [sic] 'Search bar'. Ideally the Landing Page should be 'Search Page' on your website." *See id.* at P_007513. In the section of the presentation entitled "Dreamstime creatives: what can we test?" Ms. Domina included a slide for "Search bar" with images of some of the previous HTML5 banner ads we had uploaded into the account. *See id.* at P_0007525. On the final slide Ms. Domina told us as a next step to "test different designs/themes for "search bar" image ads (with relevant Landing pages)." *See id.* at P_007528. The presentation reinforced my understanding that the HTML5 banner ads we had uploaded and Google had were approved were working as Google required. Following this Google presentation, Dreamstime focused more energy and resources on HTML5 banner ads.

42. On February 16, 2017, I reported to Ms. Domina that 3 of the HTML5 banners with search function had been disapproved in Dreamstime's account for "misleading content" and asked her to help them get a re-review. Attached as **Exhibit K** is a true and correct copy of the email chain. *See id.* at P_0016138. At the time I believed the disapprovals were a mistake because I believed the HTML5 banners functioned as required and Raul Altarescu confirmed to us that if they have functional search bars they are not in violation of any Google policy. Ms. Domina told us to delete all the previously disabled static jpeg ads in our account and that she would ask Google's Policy Team to re-review the HTML5 banners once we deleted the static ads. *See id.* at P_0016135-37. I followed Ms. Domina's orders and deleted over 400 static jpeg ads from the account. *See id.* at P_0016134.

43. On February 17, 2017, Ms. Domina told me she was going to request that Google re-approve all current HTML5 ads. *See id.* at P_0016133-34. She also told us to "double check" with

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1 Dreamstime’s ad designer “if it’s possible to improve ‘search bar’ functionality (currently when use
 2 user [sic] makes first click on a bar – banner redirect [sic] him immediately to landing page).” *Id.*
 3 This was a surprise to me because I believed the HTML5 banners we submitted had functioning
 4 search bars. I contacted Mr. Iancu to ask for confirmation our HTML5 banners worked as designed.
 5 He confirmed to me that he included the necessary “exit API” function and as far as he could tell
 6 the HTML5 banners had functional search bars using Google’s validation tool. Attached as **Exhibit**
 7 **L** is a true and correct copy of that email which was previously-marked as Exhibit 22. In my
 8 response to Ms. Domina, I expressed my concern that Google’s Policy team had disapproved 3 of
 9 our ads with good results but did not disapprove the other 2 in the ad group that had no results. *See*
 10 **Exhibit K** at P_0016133. I also asked her “to help us with a feedback from a design specialist.
 11 Maybe he/she can analyze what is wrong with our banners and why they don’t work in your
 12 platform as expected.” *Id.* At the time I was frustrated because I had been searching for the same
 13 confirmation from our Google representatives for months and Ms. Domina and Ms. Simulescu
 14 previously told us to upload the HTML5 banners. Ms. Domina’s response suggested the problem
 15 was with Dreamstime’s design of the HTML5 ads when we would learn approximately two months
 16 later Google’s system made it technically impossible to run HTML5 banner ads with functional
 17 search bars. This of course was information Raul Altarescu knew in December 2016 but failed to
 18 share with us.

19 44. On February 18, 2017, Ms. Domina told us “[i]f you had deleted those .jpg ads
 20 beforehand, than nothing would have happened with these 3 HTML5.” *See Exhibit K* at
 21 P_0016131. She then instructed us to change the text in the HTML5 banners. *Id.* We were
 22 confused by Domina’s response that Google’s system disapproved only 3 out of the 5 HTML5
 23 banner ads in the ad group and elected to disapprove the 3 ads that were performing well. We also
 24 did not understand why the presence of disabled static jpeg ads would cause Google’s system to do
 25 this. Mr. Enache asked Ms. Domina to seek an official response from Google’s Policy team.

26 45. Ms. Domina reported that she conferred with Google’s Policy team and that he
 27 HTML5 banners Google initially disapproved were now approved. She did not provide us with a
 28 clear explanation as to why Google’s Policy team changed its mind. Internal documents produced

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by Google in this litigation show Ms. Domina submitted a support ticket and conferred using with a specialist named Jamielyn in a hangouts chat. Attached as **Exhibit M** is a support ticket submitted by Ms. Domina on February 18, 2017 regarding Dreamstime’s HTML5 banners, previously-marked as Exhibit 199. Attached as **Exhibit N** is a document labeled GOOG-DRMSTM-0003163-65, previously-marked as Exhibit 285. It includes a message chat dated February 24, 2017, between Ms. Domina and [REDACTED]@google.com regarding Dreamstime’s disapproved HTML5 banner ads. During the chat Mr. Domina brought up Shutterstock’s use of similar ads. *See Exhibit N* at GOOG-DRMST-0003164-65. On February 27, 2017, a person identified as “Jamielyn” of gTech ads support notified Ms. Domina that the HTML5 ads had been approved, but did not explain why. See attached **Exhibit O**, a document previously-marked as Exhibit 284. Ms. Domina thanked Jamielyn but did not ask for an explanation as Dreamstime had requested. *Id.* We did not understand why and Google’s representatives could present to clear explanation to us. Because Google reapproved our HTML5 banners we believed they functioned as required and did not violate any policy.

46. Near the end of March 2017, we noticed that the same trend of disapprovals of the better performing (lower CPA) ads was occurring with the HTML5 banner ads. We raised this issue with Andreea Simulescu. A review of Google’s internal policy discussions show that there was confusion within Google as to whether these ads were correctly disapproved. Attached as **Exhibit P** is a document previously-marked as Exhibit 205 that appears to include an internal chat between Google policy reviewers named Prashanth and Anubhav. *See id.* at GOOG-DRMSTM-0003410. A policy team member named Prashanth later told Ms. Simulescu that the HTML5 banners did not function correctly because “[REDACTED]” See **Exhibit Q**, previously-marked as Exhibit 202. Ms. Simulescu later claimed to me the disapprovals were due to “[REDACTED]” Attached as **Exhibit R** is a true and correct copy of that email, previously-marked as Exhibit 201. She did explain to us what the Policy team member said regarding the functionality of the ads. There was no clear explanation.

1 47. On April 12, 2017, Mr. Jianu of Dreamstime emailed the Google Ads support team
 2 regarding the HTML5 banner disapprovals. He forwarded the email we received from Raul
 3 Altarescu on December 14, 2016 in which he told us “the banners containing a functional search bar
 4 are ok and can be used.” *See* Moraru Dec., Ex. E. Radu Stoica responded that he “talked to our
 5 colleagues in the technical department and they confirmed what I said in the call, that in the
 6 standard AdWords implementation that type of banner behavior is not possible.” *Id.* I know now
 7 that this is information Mr. Altarescu received on December 14, 2016 just hours after he told us he
 8 would get back to us with information from Google’s technical specialist. *See Exhibit F* at GOOG-
 9 DRMTSM-00012890-91. Altarescu failed to share this important information with Dreamstime.
 10 His successors then told us to submit Dreamstime’s newly designed HTML5 banners and led us to
 11 believe it was our fault for Google disapproving the banners.

12 48. In Google’s internal emails that followed, Mr. Altarescu shared the December 14,
 13 2016, response from Google’s technical specialist Sophia with the rest of the Google Ads support
 14 team *for apparently the first time*. Attached as **Exhibit S** is true and correct copy of a document
 15 marked GOOG-DRMSTM-0009079-91 that contains the emails. *See id.* at GOOG-DRMSTM-
 16 009079. As noted by Carmen Punga’s response, “[REDACTED]
 17 [REDACTED]
 18 [REDACTED].” *See Exhibit T* at GOOG-DRMSTM-0009153-54. Ms. Punga added it was
 19 her understanding that “[REDACTED]
 20 [REDACTED].” *See id.* at GOOG-DRMSTM-0009154.
 21 Ana Sipciu responded that Dreamstime “[REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED] *See id.* at GOOG-DRMSTM-0009152. Ms. Sipciu then wrote, “[REDACTED]
 25 [REDACTED]
 26 [REDACTED].” (*Id.*) **But that is not true.** I followed up with Mr. Altarescu on
 27 December 21, 2016 on this issue and received no response. Then I followed up with the newly
 28 installed Google support team in January 2017 and also did not receive any indication the HTML5

1 banners would not work in AdWords without a third party service. As Google's Romania country
 2 manager Elisabeta Moraru wrote on April 27, 2017, Google's "[REDACTED]"
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]." *See id.* at GOOG-DRMSTM-0009150.

6 49. Google's inconsistent advice and misrepresentations about its policies, our HTML5
 7 banners, and how its ad approval system functioned, coupled with the fact that Dreamstime's most
 8 successful display ads were being cancelled while less efficient ones were allowed to run, caused
 9 lasting damage to Dreamstime's accounts over an extended period of time. At the direction of Mr.
 10 Enache, I reviewed Dreamstime's account and created a report listing the disapproved Display ads
 11 from September 1, 2014 to March 28, 2018 and that performing a comparison of the average CPA
 12 for these to the average CPA for all such approved ads during the same period. I understand the
 13 report was produced in discovery in this litigation with Dreamstime's interrogatory responses and
 14 disclosures as P_0164412.

15 **Email to Mr. Enache in March 2017**

16 50. I have reviewed Google's Motion for Summary Judgment filed in this action. In the
 17 motion, Google in many respects misconstrues an email I wrote to Mr. Enache on March 5, 2017,
 18 which was marked as Deposition Exhibit 144 and Google filed as Exhibit MM to the Declaration of
 19 Brian Willen in support of Google's motion.

20 51. I wrote that email in response to Mr. Enache's request that I share my thoughts on
 21 three topics of concern Dreamstime had with Google. Mr. Enache wrote that Dreamstime had been
 22 contacted by someone "from AdWords Legal (who I believe is also connected to Policy) who would
 23 like to help us with the items that are related to them." *See Willen Dec., Ex. MM at P_0037512.*
 24 The three topics Mr. Enache asked me to discuss were part of a much longer list issues and
 25 problems Dreamstime had with Google. The topics Mr. Enache asked me to respond to included
 26 (1) "Despite Dreamstime's implementation of all best practices recommended by Google,
 27 automated optimization of AdWords campaigns consistently makes bad choices at Dreamstime's
 28 expense"; (2) "Google drives up AdWords bill by over-delivery" and (3) "Google drives up

1 AdWords bill by running tests that spike the spending on particular campaigns without providing
 2 any adjustments or refunds afterwards.” *See id.* at P_0037512-13. I was not asked in this email
 3 exchange to weigh in on other topics in Dreamstime’s list.

4 52. My response to Mr. Enache’s request was based on my understanding of the issues at
 5 the time I wrote them in early March 2017. When I shared my thoughts with Mr. Enache he
 6 disagreed with me on several issues, especially those that pre-dated November 2014 when I started
 7 working with Dreamstime. I was also giving my candid opinion about whether Google’s actions as
 8 they related to those three topics could form the basis for legal claims based on my understanding of
 9 Google’s terms and conditions and the way I was also trained during my work experience at
 10 Google. All the claims from clients were supposed to be pushed back with references from articles
 11 visible in the public help center. Only the very insistent clients’ requests were forwarded to specific
 12 departments (billing, technical, etc.). But I am not a lawyer and know nothing about the American
 13 legal system. I was also reluctant to be accusatory at that time considering some of the Google
 14 representatives were my former colleagues and friends. As I testified at my deposition, *at that time*
 15 “I trusted Google . . . so my belief was that Google wouldn’t spend more than what they say they
 16 would spend.” Deposition of Elena Dobre dated January 23, 2020 at Tr. 193:3-14. I realized later
 17 that Google’s main objective was to get Dreamstime to implement its products and spend money on
 18 ads. *Id.* at Tr. 99:22-25.

19 53. In bullet point one of that email, I wrote “Google never does the changes in our
 20 account – they recommend and we apply their recommendation, nevertheless we don’t have written
 21 emails with what we should do or not, mast [sic] conversations were via hangout. Only recent
 22 interactions have written documents with instructions.” I understand now that before I started
 23 working with Dreamstime members of Google’s support team did actually have full control of the
 24 account and implemented changes directly in Dreamstime’s account at times without Dreamstime’s
 25 prior consent. Mr. Enache explained to me that this is what happened when Mr. Marian initiated
 26 and optimized Target ROAS campaigns for Dreamstime in 2014. Dreamstime also gave Google
 27 full control after I wrote this email to design certain campaigns, as I mentioned in my deposition.
 28

1 Dobre Tr. 249:9-250:1. In those cases, Google itself created the campaign, ads, keywords, and set
2 the budget (and sometimes even entire accounts).

3 54. I also noted in the email that many of Google's recommendations that Dreamstime
4 followed based on Google's assurances that the account performance would improve were not
5 memorialized in writing. These were provided during conversations in Google hangouts meetings.
6 I noted this because it makes it very difficult to demonstrate Google's incorrect recommendations
7 and false assurances without written documents. I also referred to the "*what to expect*" part of
8 Google's terms and conditions that says Google "doesn't promise a certain level of results, CPA nor
9 number of visits." Willen Dec., Ex MM at P_0037511. While it is also true that Google's support
10 team would not specifically promise Dreamstime would obtain a minimum number of conversions
11 or an exact CPA on a particular campaign, they did nevertheless assure Dreamstime that if we
12 implemented the changes they pushed on us the campaign performance would improve – in most
13 instances that meant either more conversions or a lower CPA, or both.

14 55. In that email, I also wrote regarding the tests that spiked Dreamstime spending that
15 "Google generally asks us to sign agreements for tests and they have very specific terms &
16 conditions where they state that they are not responsible if a test doesn't work." While that was the
17 case for some of the test campaigns Dreamstime tried for other tests the Google representatives
18 pushed us to do them without any signed agreement. On the topic of Google returning CPAs much
19 higher than the target CPA Dreamstime set for the campaigns, I wrote in that email "here we have a
20 valid point regarding how much we are ready to spend and how much the system spends." I
21 included that Google's terms state that "your effective target CPA may be different from the target
22 CPA that you set", however, as I testified at my deposition, Google elsewhere affirms that although
23 "some conversions may cost more than your target and some may cost less, but altogether Google
24 Ads will try to keep your cost per conversion equal to the target CPA you set. It is not a promise,
25 but it's an affirmation that they do the best in order to reach the Target CPA you set." Dobre Tr.
26 200:18-201:4. There were multiple instances in which Google's system return a CPA multiple
27 times higher than the target CPA Dreamstime set despite Dreamstime following all of Google
28 representative's instructions for setting up the campaign. Google's system provided results nowhere

1 close to the target CPA set by Dreamstime. For example, in 2016 Ana Sipciu designed a campaign
 2 for Portugal in which the ads and keywords were written and translated by Google's representatives.
 3 She sent me everything and all I did was uploaded what she created into the account. The resulting
 4 CPA was \$719. Based upon these egregious examples, and my review of Google's internal
 5 communications produced in discovery in this lawsuit compared to what Google was telling us at
 6 the time, I have become more convinced that Google's representatives were not being honest with
 7 us at the time they presented many of the ad campaigns at issue in this case.

8 56. Regarding overdelivery for monthly budgets, I wrote in the email that based on my
 9 reading of Google's policy I did not think there was overdelivery on a monthly basis. But as I
 10 testified, I was not in charge of keeping track of Dreamstime's budgets and I trusted Google at that
 11 time. I also understand now that Mr. Enache was also referring to the time period *before* Google
 12 updated its monthly overdelivery policy to limit spending to "the average number of days in a
 13 month (30.4) multiplied by your average daily budget."

14 57. At the end of my email, I wrote to Mr. Enache that "the entire account management
 15 is 100% the customer's responsibility" and that "the decisions are made by the advertiser." I know
 16 now that in Dreamstime's case this was not true. In actuality, the Google representative took full
 17 control over Dreamstime's account and made manual changes to it before I worked with
 18 Dreamstime that resulted in considerable damage to Dreamstime's campaign performance. They
 19 also provided Dreamstime false information about Google's automated bidding systems. Google
 20 also assumed responsibility for the campaigns the representatives urged Dreamstime to create based
 21 on their recommendations that failed to perform as they stated they would. This was all a ploy to get
 22 Dreamstime to spend more on Google Ad campaigns.

23 58. I also wrote in that email that I felt that the fact Dreamstime was "benefitting from
 24 support from Google RO & DUB is just an extra service, but that does not mean they will be
 25 responsible for our results." The service is an extra but it was available to all large customers, even
 26 smaller than Dreamstime in terms of ad budget. Clients of Dreamstime's size cannot manage
 27 properly their account without dedicated Google support as the call-center employees generally
 28 don't have access to advanced products and cannot advise. I understand now that the support from

1 Google pushed Dreamstime to implement incorrect optimizations induced by the promises and
 2 assurances that the problems will be solved, incorrect optimization that harmed Dreamstime on a
 3 long term basis, all while benefitting Google financially. Although Google did provide help to us in
 4 some circumstances, Google should be held responsible for the times they overstepped their
 5 boundaries and harmed Dreamstime by overpromising things they didn't control and describe
 6 algorithms that they didn't know how worked for real. Although on the surface Google's intention
 7 may appear to be good, in reality whenever Dreamstime had issues that were escalated to Google
 8 technical teams there were rarely transparent explanations or fact-based explanations and refunds on
 9 the budgets spent. Most of the time the reports and complaints I made to Google were lost in black-
 10 holes and received no follow-up for the dedicated Google teams.

11 59. Finally I wrote in that email to Mr. Enache that "the fact we do not find the right mix
 12 for us and for a CPA that we are looking for, it cannot be imputed as sabotage, lack of involvement
 13 or bad practice from Google." Again, I still trusted Google at the time I wrote this email. In the
 14 months that followed I learned more about Google's misrepresentations, which Dreamstime relied
 15 upon and which caused irreversible damages to Dreamstime's ad account performance. As I
 16 mentioned before, these were my candid thoughts at the time that Mr. Enache did not necessarily
 17 agree with because he as the CEO had a better more complete understanding and knowledge of the
 18 history of Google's actions and the relationship, including for the many other topics that he did not
 19 ask me to comment on, such as Dreamstime's organic search ranking.

20 60. There were several things that Google did after March 5, 2017 when I wrote that
 21 email that made me question the opinions I shared in the email with Mr. Enache. As explained
 22 above with respect to Dreamstime's HTML5 banner ads, it was not until April 2017 that we learned
 23 from the Google representatives that all along the AdWords system made it impossible to run the
 24 HTML5 banner ads we created at the suggested of our Google support team. I know now that the
 25 Google support team learned that information from Google's technical specialist in December 2016
 26 but did not share it with us until April 2017, all while we were creating, altering, submitting and
 27 seeking explanations for HTML5 banner ads. I believe the Google support team deliberately hid
 28 the information so Dreamstime continued to spend money on dysfunctional banners, as the priority

1 of Google was not the user's experience and Dreamstime's success, but rather increasing its revenue
 2 from underperforming banners.

3 61. Google also urged Dreamstime to create foreign language and localized campaigns
 4 in 2017 that despite Google's full control failed to perform as Google represented them would. In
 5 2017 we held bi-weekly meetings with the support team to discuss Dreamstime's performance. The
 6 Google representatives provided advice and assurances that their suggested implementations would
 7 help Dreamstime's KPIs. During these meetings, they guided us through every aspect of the
 8 account with advice and assurances that the Google representatives suggested implementations
 9 would improve Dreamstime's KPIs. The Google representatives provided very specific and
 10 granular instructions for changes to improve account performance. Attached as **Exhibit U** is a true
 11 and correct copy of printout of a tab entitled "Q1Q2 QBR 2017" from the working task spreadsheet
 12 shared by Dreamstime and Google, marked P_0166216, that demonstrates Google assumed
 13 responsibility for certain campaigns launched in 2017 at our Google representatives' insistence.

14 62. In June 2017, Google representatives Carmen Punga and Andreea Simulescu pushed
 15 Dreamstime to launch a new German focused campaign. Dreamstime had already tried campaigns
 16 dedicated to the German market in years prior. In fact, Dreamstime's former account strategist
 17 Tudor Marian created a separate German and French account for Dreamstime and oversaw its
 18 operation from the very beginning. Despite his purported expertise, the German and French
 19 account did not perform as well as Dreamstime's main account. When I and others at Dreamstime
 20 mentioned we had already tried a German language campaign and it did not meet Dreamstime's
 21 KPIs, Ms. Punga assured us that Google's product had evolved, that her team was more experienced
 22 with foreign ad campaign execution, and that Dreamstime's competitors were in the market so we
 23 needed to do it to maintain overall account performance. She convinced us that creating foreign
 24 localized campaigns (first in Germany and then in other countries), was what needed to be done to
 25 improve Dreamstime's Google Ads performance.

26 63. After these discussions, Dreamstime gave Google complete control over designing
 27 the German market campaign. The Google representatives created the campaign, selected the
 28 landing pages, were responsible for translating the ad keywords and text, and instructed us to set

1 specific bids and budgets. Carmen assured us that the campaign would work. Despite Google
 2 having total control over the German language campaign, the results were extremely poor. When
 3 we asked for an explanation, we did not receive one. This was yet another example of
 4 Dreamstime's Google representatives overselling their experience, expertise and ability in order to
 5 induce Dreamstime to spend more on Google Ads.

6 64. Similarly, in June 2017, Dreamstime launched another campaign following Ms.
 7 Punga's strong advice to test targeting potential customers in specific cities. It was a campaign Mr.
 8 Marian had already suggested and Dreamstime attempted in November 2015 with disappointing
 9 results. For that reason we were skeptical, but Ms. Punga assured us she could do much better. We
 10 chose New York and London because of their importance to the stock photo market. We followed
 11 all of Google's recommendations for setting up the campaign. We used a single keyword, assigned
 12 a large budget and set a very high bid, all following Google's recommendations and assurances.
 13 After we launched the campaign it generated no impressions and no clicks. I followed Google's
 14 instructions to increase the bid to an even higher amount (\$30 per click even though Google's
 15 platform suggested \$1.47 for a first page bid). Despite this the campaign generated little exposure
 16 and few clicks. Even though our ads had good quality scores, very high bids, and only a single
 17 keyword, Google's system did not allow us to compete with our competitors in two very important
 18 cities for the stock photo industry. Our Google representatives could not explain it.

19
 20 I declare under penalty of perjury under the laws of the United States of America and the
 21 State of California that the foregoing information is true and correct. Executed on May 14, 2020, at
 22 Bucharest, Romania.

23 

24 _____
 25 Elena Dobre
 26
 27
 28